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Fifty-fourth session
Third Committee
Agenda item 116 (c)
Human rights questions: human rights situations and reports of special rapporteurs and representatives

Argentina, Austria, Belgium, Czech Republic, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden and United Kingdom of Great Britain and Northern Ireland: draft resolution

Situation of human rights in the Sudan

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other applicable human rights instruments, and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that the Sudan is a party to the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights,[2] the Convention on the Rights of the Child,[2] the African Charter on Human and Peoples' Rights[3] and to the Geneva Conventions of 12 August 1949,[4]

Recalling its previous resolutions on the human rights situation in the Sudan and taking note of Commission on Human Rights resolution 1999/15 of 23 April 1999,[5]

Aware of the urgent need for implementing effective measures in the field of human rights and humanitarian relief to protect the civilian population from the effects of armed conflicts,

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] United Nations, *Treaty Series*, vol. 1520, No. 26363.

[4] Ibid., vol. 75, Nos. 970-973.

[5] See *Official Records of the Economic and Social Council, 1999, Supplement No. 3* (E/1999/23), chap. II, sect. A.

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Welcoming the Peace Agreement of 1997, the acceptance of the Declaration of Principles as a basis for negotiations, and the declaration by the Government of the Sudan of a comprehensive ceasefire on 5 April 1999 as well as the decision made by the Sudanese People's Liberation Army to extend the ceasefire in the Bahr-el-Ghazal region in southern Sudan for a further three months, while at the same time deeply concerned at the impact of the continuing conflict in the Sudan between the Government of the Sudan and the Sudanese People's Liberation Movement/Army on the situation of human rights and at the disregard by all parties to the conflict of relevant rules of international humanitarian law,

Expressing its firm belief that progress towards a peaceful settlement of the conflict in southern Sudan within the peace initiative of the Intergovernmental Authority on Development will greatly contribute to the creation of a better environment to encourage respect for human rights in the Sudan,

Condemning the murder of four Sudanese relief workers in April 1999 while in the custody of the Sudanese People's Liberation Army,

1. *Welcomes:*

(a) The interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Sudan;

(b) The visit by the Special Rapporteur to Sudan in February 1999 at the invitation of the Government of the Sudan and the excellent cooperation extended by the Government in this regard, as well as the stated willingness of the Government to continue to cooperate with the Special Rapporteur and the invitation extended to the Special Rapporteur;

(c) The visit of the Special Representative of the Secretary-General for Children and Armed Conflict to the Sudan in March 1999 and the cooperation extended by the Government of the Sudan in this regard;

(d) The cooperation by the Government of the Sudan extended to the needs assessment mission of the United Nations Office of the High Commissioner for Human Rights from 14 to 26 September 1999;

(e) The fact-finding mission by the Special Rapporteur on freedom of opinion and expression in September 1999 pursuant to the invitation by the Government of the Sudan;

(f) The cooperation by the Government of the Sudan and the Sudanese People's Liberation Movement/Army that was extended to the humanitarian needs assessment mission by the Office for the Coordination of Humanitarian Affairs, the United Nations Children's Fund and the World Food Programme to the Nuba Mountains from 21 to 24 June 1999;

(g) The expressed commitment of the Government of the Sudan to respect and promote human rights and the rule of law and its expressed commitment to a process of democratization with a view to establishing a representative and accountable government, reflecting the aspirations of people of the Sudan;

(h) The stipulation of basic human rights and freedoms in the Constitution of the Sudan, which entered into force on 1 July 1998;

(i) The establishment of the Constitutional Court, which has been in operation since April 1999;

(j) The creation of the Committee for the Eradication of Abduction of Women and Children as a constructive response on the part of the Government of Sudan and the cooperation extended to the Committee by the local communities and the support of the international community and non-governmental organizations;

(k) Efforts to implement the right to education;

(l) The commitments made by the Government of the Sudan to the Special Representative of the Secretary-General for Children and Armed Conflict, in particular the commitment not to use or recruit children under the age of 18 as soldiers;

(m) Efforts to address the problem of internally displaced persons;

2. *Expresses its deep concern*

(a) At the impact of the current armed conflict on the situation of human rights and its adverse effect on the civilian population, in particular women and children, at continuing serious violations of human rights, and international humanitarian law by all parties, in particular:

(i) At the occurrence of cases of extrajudicial, summary or arbitrary executions resulting from conflict between members of the armed forces and their allies, and armed insurgent groups including the Sudanese People's Liberation Army;

(ii) At the occurrence, within the framework of the conflict in southern Sudan, of cases of enforced or involuntary disappearances, the use of children as soldiers and combatants, forced conscription, forced displacement, arbitrary detention, torture and ill-treatment of civilians;

(iii) At the abduction of women and children to be subjected to forced labour or similar conditions;

(iv) At the use of weapons, including landmines, against the civilian population;

(b) At violations of human rights in areas under the control of the Government of the Sudan, in particular:

(i) At the widespread use of torture and arbitrary detention affecting, *inter alia,* human rights defenders, journalists and political opponents as well as at the lack of due process of law and acts of intimidation and harassment against the population, in particular by the security organs;

(ii) At cases of severe restrictions on the freedom of religion and peaceful assembly;

3. *Urges* all parties to the continuing conflict in the Sudan:

(a) To respect and protect human rights and fundamental freedoms, to respect fully international humanitarian law, thereby facilitating the voluntary return, repatriation and reintegration of refugees and internally displaced persons to their homes, and to ensure that those responsible for violations of human rights and international humanitarian law are brought to justice;

(b) To stop immediately the use of weapons, including landmines, against the civilian population, and in particular the Sudanese People's Liberation Army, to abstain from using civilian premises for military purposes;

(c) To grant safe and unhindered access to international agencies and humanitarian organizations in order to facilitate by all means the delivery of humanitarian assistance to all civilians in need of protection and assistance, in particular in Bahr-el-Ghazal, in the Nuba Mountains and in the Western Upper Nile, and to continue to cooperate in this regard with the Office for the Coordination of Humanitarian Affairs and Operation Lifeline Sudan to deliver such assistance;

(d) To continue to cooperate with the peace efforts of the Intergovernmental Authority on Development;

(e) Not to use or recruit children under the age of 18 and urges the Sudanese People's Liberation Army to undertake a commitment similar to that made by the Government of the Sudan to the Special Representative of the Secretary-General for Children and Armed Conflict in this regard and to refrain from the practice of forced conscription;

(f) To fulfil their commitments concerning the protection of war-affected children, such as to cease the use of anti-personnel landmines and the abduction and exploitation of children, to address the prevention of children's recruitment as soldiers, to advance demobilization and reintegration of child soldiers and to ensure access to displaced and unaccompanied minors;

(g) To allow for an independent investigation of the case of the four Sudanese nationals who were abducted on 18 February 1999 while travelling with team from the International Committee of the Red Cross and subsequently killed while under the custody of the Sudanese People's Liberation Movement/Army, and urges the Sudanese People's Liberation Movement/Army to return the bodies to their families;

4. *Calls* upon the Government of the Sudan

(a) To comply fully with its obligations under international human rights instruments to which the Sudan is a party and to promote and protect human rights and fundamental freedoms, as well as to respect its obligations under international humanitarian law;

(b) To continue its efforts to ensure the rule of law by bringing legislation into line with the Constitution and the practice of law enforcement more into line with legislation;

(c) To continue its efforts to bring its national legislation into conformity with applicable international human rights instruments to which the Sudan is a party and to ensure that all individuals in its territory enjoy fully the rights recognized in those instruments;

(d) To take all effective measures to end all acts of torture and cruel, inhuman or degrading treatment, to ensure that all accused persons are held in ordinary custody and receive prompt, just and fair trial under internationally recognized standards, and to investigate all reported acts of torture brought to its attention;

(e) To ensure full respect for freedom of expression, opinion, thought, conscience and religion as well as freedom of association and assembly;

(f) To continue to investigate reports of the abduction of women and children taking place in the framework of the conflict in southern Sudan, to bring to trial any persons suspected of supporting or participating in such activities, to facilitate the safe return of affected children to their families as a matter of priority, and to take further measures in particular through the Committee for the Eradication of Abduction of Women and Children;

(g) To stop immediately the indiscriminate aerial bombardment of civilian and humanitarian targets, which runs counter to fundamental principles of human rights and humanitarian law;

(h) For further efforts to address the problem of internally displaced persons;

(i) To continue implementing its commitment to the democratization process and the rule of law and to create, in this context, conditions that would allow for a democratization process that is genuine and wholly reflects the aspirations of the people of the country and ensures their full participation;

(j) To continue efforts to implement the commitment made to the Special Representative of the Secretary-General for Children and Armed Conflict not to recruit children under the age of 18 as soldiers;

(k) To implement the United Nations Standard Minimum Rules for the Treatment of Prisoners and to give special consideration to imprisoned women and juveniles deprived of their liberties;

5. *Encourages* the Government of the Sudan to continue to pursue its dialogue with the Office of the United Nations High Commissioner for Human Rights with a view to establishing a permanent representation of the High Commissioner in the country;

6. *Encourages* the Office of the United Nations High Commissioner for Human Rights to continue to take into consideration requests for assistance by the Government of the Sudan, including with a view to establishing a permanent representation of the High Commissioner in the country as a matter of priority;

7. *Calls upon* the international community to expand its support for activities, in particular those of the Committee for the Eradication of Abduction of Women and Children, aimed at improving respect for human rights and humanitarian law during the conflict;

8. *Decides* to continue examination of the situation of human rights in the Sudan at its fifty-fifth session under the item entitled "Human rights questions", taking into account new developments and additional elements provided by the Commission on Human Rights.

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Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Italy, Japan, Jordan, Liechtenstein, Luxembourg, Monaco, Norway, Portugal, Slovenia, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The situation of human rights in Kosovo

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other human rights instruments,

Taking note of Security Council resolutions 1160 (1998) of 31 March 1998, 1199 (1998) of 23 September 1998, 1203 (1998) of 24 October 1998, 1239 (1999) of 14 May 1999 and 1244 (1999) of 10 June 1999, and the general principles annexed thereto, as well as the statement made on 24 March 1998 by the Chairman of the Commission on Human Rights at its fifty-fourth session,[3] Commission on Human Rights resolutions 1998/79 of 22 April 1998[4] and 1999/2 of 13 April 1999[5] and the report of the United Nations High Commissioner for Human Rights to the Bureau of the Commission on Human Rights on the situation of human rights in Kosovo of 7 September 1999,

Taking fully into account the regional dimensions of the crisis in Kosovo, in particular with regard to the human rights and the humanitarian situation and the continuing problems

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23), chap. III, sect. E, para. 28.
[4] Ibid., chap. II, sect. A.
[5] See *Official Records of the Economic and Social Council, 1999, Supplement No. 3* (E/1999/23), chap. II, sect. A.

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thereof, and noting that the return of refugees to their homes has contributed to the easing of this crisis,

Taking note with concern of the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro),[6] which describe the persistent and grave violations and abuses of human rights and international humanitarian law in Kosovo,

Condemning the grave violations of human rights in Kosovo, affecting ethnic Albanians prior to the arrival of United Nations Interim Administration Mission in Kosovo personnel and troops of the international security presence, the Kosovo Force, as demonstrated in the many reports of torture, indiscriminate and widespread shelling, mass forced displacement of civilians, summary executions and illegal detention of ethnic Albanians in Kosovo by the Yugoslav police and military,

Deeply concerned, in spite of the efforts of the United Nations Interim Administration Mission in Kosovo and the Kosovo Force, about the frequent instances of harassment, periodic kidnappings and murders of ethnic Serb, Roma and other minorities of Kosovo by ethnic Albanian extremists,

Expressing concern that the entire population of Kosovo has been affected by the conflict, and stressing that each of the national minorities there must benefit from full and equal rights,

Stressing, in this context, the importance of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991,

Distressed by the lack of due process in the trials in Serbia of those ethnic Albanians who have been detained, charged or brought to trial in relation to the crisis in Kosovo in violation of international human rights standards,

Further stressing the urgent need to implement effective measures to stop trafficking in women and children,

1. *Underlines* the obligation of the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to abide by the terms of Security Council resolution 1244 (1999) of 10 June 1999 and the general principles on the political solution to the Kosovo crisis adopted on 6 May 1999;[7]

2. *Reaffirms* that the human rights and humanitarian crisis in Kosovo shall be addressed within the framework of a political solution based and built upon the general principles as set out in Security Council resolution 1244 (1999);

3. *Welcomes* the establishment of the United Nations Interim Administration Mission in Kosovo and the Kosovo Force, and calls upon all parties in Kosovo and the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to cooperate fully with the Interim Administration Mission and the Kosovo Force in the fulfilment of their respective mandates;

4. *Also welcomes* the work of the Office of the United Nations High Commissioner for Human Rights in Kosovo, the Office of the United Nations High Commissioner for Refugees and the efforts of the Organization for Security and Cooperation in Europe;

[6] A/54/396-S/1999/1000 and A/54/396/Add.1-S/1999/1000/Add.1.

[7] Security Council resolution 1244 (1999), annex 1.

5. *Calls upon* all parties in Kosovo to cooperate with the Interim Administration Mission to ensure full respect for all human rights and fundamental freedoms and democratic norms in Kosovo;

6. *Calls upon* all authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro), the local Serb leaders in Kosovo and the leaders of the Kosovo Albanian community to condemn all acts of terrorism, sequestration or kidnapping, forced evictions from homes or places of work of any resident of Kosovo, whatever the victim's ethnic background and whoever the perpetrators, to refrain from all acts of violence and to use their influence and leadership to cooperate with the Kosovo Force and the Interim Administration Mission in stopping these incidents and in bringing the perpetrators to justice;

7. *Expresses its concern* about the forced division of any part of Kosovo into ethnic cantons or ethnically based divisions of any type as counter to Security Council resolution 1244 (1999) and to the guiding principles of Rambouillet,[8] and stresses the need for all parties in Kosovo to take all necessary measures to stop or reverse any action that de facto or *de jure* permits such ethnic cantonization;

8. *Calls upon* all parties, in particular the authorities and representatives of the Federal Republic of Yugoslavia (Serbia and Montenegro) and Kosovo Serb and Albanian leaderships, to cooperate with the mine action coordination centre;

9. *Demands* that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) provide an updated list of all persons detained and transferred from Kosovo to other parts of the Federal Republic of Yugoslavia (Serbia and Montenegro), specifying the charge, if any, under which each individual is detained, and that it guarantee their families and non-governmental organizations and international observers unimpeded and regular access to those who remain in detention and release all individuals detained and transferred from Kosovo prior to July 1999 in violation of international humanitarian and human rights standards, and also demands that Kosovo Albanian leaders provide an updated list of all persons detained and held against their will in Kosovo, that the well-being of detainees be assured and that the Kosovo Albanian leaders must cooperate with the Interim Administration Mission in achieving the immediate release of all detainees;

10. *Calls upon* the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to open to public observation trials or criminal prosecutions against all those charged in relation to the conflict in Kosovo;

11. *Calls upon* the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) and ethnic Kosovo Serb and Albanian representatives to allow for and facilitate the free and unhindered return to their homes, in safety and with dignity, of all displaced persons and refugees, of whatever ethnic background, and expresses its concern about reports of continuing harassment or other impediments in this regard;

12. *Also calls upon* the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to return or facilitate the fair, unbiased and accurate restoration or reconstruction of Kosovar documentation and legal records taken or destroyed during the conflict;

13. *Stresses* the importance and the responsibility of all parties to create a secure environment in Kosovo that will allow refugees and displaced persons to return and allow all those who wish to remain in Kosovo a genuine possibility to do so, irrespective of ethnic origin;

[8] See S/1999/648, annex.

14. *Requests* the Secretary-General to pursue his humanitarian efforts in Kosovo, working through the Office of the United Nations High Commissioner for Refugees, the World Food Programme, the United Nations Children's Fund, other appropriate humanitarian organizations and the Office of the United Nations High Commissioner for Human Rights, so as to continue taking the urgent practical steps to meet the critical needs of the people in Kosovo and to assist the continued voluntary return of displaced persons to their homes in conditions of safety and dignity;

15. *Encourages* the Office of the Prosecutor of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International and Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 to continue investigations at all levels, concerning official individuals or private citizens, on serious violations of international humanitarian law committed in Kosovo, and reaffirms that such crimes fall within its jurisdiction;

16. *Demands* that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Kosovo Serb and Albanian leaderships and all others concerned cooperate fully with the International Tribunal for the Former Yugoslavia and honour all obligations towards it;

17. *Reiterates* its call upon the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to live up to their commitment to provide financial and material assistance to those residents of Kosovo whose homes have been damaged;

18. *Calls upon* the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to provide information on the fate and the whereabouts of the high number of missing persons from Kosovo, and encourages the International Committee of the Red Cross, in this regard, to pursue its clarification efforts, in cooperation with other organizations such as the Organization for Security and Cooperation in Europe;

19. *Encourages* the ongoing cooperation provided by the Federal Republic of Yugoslavia (Serbia and Montenegro) regarding the visits to some two thousand prisoners, mainly of Kosovo Albanian origin, carried out by the International Committee of the Red Cross and held under the authority of the Ministry of Justice of Serbia;

20. *Welcomes* the efforts made by the international community, and calls for continuing support to the Office of the United Nations High Commissioner for Refugees and other agencies engaged in the effort to provide those in need in Kosovo with proper accommodation, in particular with a view to facilitating the preparation and provision of adequate winter accommodation;

21. *Urges* all parties involved in Kosovo to support the efforts of the United Nations Children's Fund to ensure that all children in Kosovo return to school as soon as possible and to contribute to the rebuilding and repair of schools destroyed or damaged during the conflict in Kosovo;

22. *Calls for* the most rapid and full deployment of United Nations police and for the creation of a multi-ethnic local police force throughout Kosovo, as a key step to guaranteeing respect for law and order and for creating a safe environment for all inhabitants of Kosovo;

23. *Condemns* any effort, in behalf of any ethnic group, to create any sort of parallel institutions for Kosovo Serb and Albanian populations, be they police, school, administrative or other institutions, and calls upon the Interim Administration Mission and the Kosovo Force to prevent any such institutions from being formed;

24. *Requests* the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to continue to monitor closely the situation of human rights in Kosovo, to pay special attention to Kosovo in his reporting and to report his findings to the Commission on Human Rights at its fifty-fifth session and to the General Assembly at its fifty-fifth session.

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Andorra, Argentina, Armenia, Australia, Austria, Bangladesh, Belgium, Benin, Botswana, Bulgaria, Canada, Chad, Chile, Colombia, Denmark, Ethiopia, Finland, France, Germany, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Japan, Lithuania, Luxembourg, Mali, Micronesia (Federated States of), Monaco, Netherlands, Norway, Paraguay, Poland, Portugal, Republic of Korea, San Marino, Spain, Thailand, United Kingdom of Great Britain and Northern Ireland and the United States of America: draft resolution

Strengthening the role of the United Nations in enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization

The General Assembly,

Recalling its previous resolutions on the subject, in particular its resolutions 52/129 of 12 December 1997, 50/185 of 22 December 1995 and 49/190 of 23 December 1994,

Reaffirming that United Nations electoral assistance and support for the promotion of democratization are provided only at the specific request of the Member State concerned,

Acknowledging that United Nations electoral assistance has facilitated the holding of successful elections in several Member States, which has resulted in the orderly and non-violent assumption of office by elected officials, recognizing that elections can be free and fair only if the secrecy of the ballot is protected and elections are held free of coercion and intimidation, and underlining the importance of respect for the results of elections that have been verified as free and fair,

Noting with satisfaction that increasing numbers of Member States are using elections as peaceful means of national decision-making and confidence-building, thereby contributing to greater national peace and stability,

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Recalling the Universal Declaration of Human Rights adopted on 10 December 1948,[1] in particular the right to freely choose representatives through periodic and genuine elections which shall be by universal and equal suffrage and held by secret vote or equivalent free voting procedures,

Recalling also Commission on Human Rights resolution 1999/57 of 27 April 1999,[2] in which, *inter alia*, the Commission urges the continuation and expansion of activities carried out by the United Nations system, other intergovernmental and non-governmental organizations and Member States to promote and consolidate democracy within the framework of international cooperation and to build a democratic political culture through the observance of human rights, mobilization of civil society and other appropriate measures in support of democratic governance,

Recognizing the usefulness of a comprehensive and balanced approach in the activities carried out by the United Nations in this field in order to contribute to the strengthening of both democracy and all human rights within the country concerned,

Recognizing the need for strengthening national capacity-building, electoral institutions and civic education in the requesting countries in order to consolidate and regularize the achievements of previous elections and support subsequent elections,

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[3] in particular the recognition therein that assistance provided upon the request of Governments for the conduct of free and fair elections is of particular importance in the strengthening of a pluralistic civil society,

Welcoming the support provided by States to the electoral assistance activities of the United Nations, *inter alia*, through the provision of electoral experts, including electoral commission staff, and observers, as well as through contributions to the United Nations Trust Fund for Electoral Observation,

Noting with appreciation the efforts of the Electoral Assistance Division of the Department of Political Affairs of the United Nations Secretariat, in collaboration with other electoral assistance organizations and United Nations agencies, to gather and make available through electronic means information on and for national election administrators, processes and institutions,

Noting the regional conference for Central Asian election administrators, held at Almaty in November 1998, and the Global Electoral Organization Network conference held at Ottawa in April 1999,

Welcoming the Fourth International Conference of New or Restored Democracies, to be held at Cotonou in 2000, and calling upon the international community, including the Electoral Assistance Division in its role as coordinator of United Nations electoral assistance, the United Nations Development Programme and other relevant organizations and institutions to render all possible assistance to ensure the successful outcome of the Conference,

Having considered the report of the Secretary-General on United Nations activities aimed at enhancing the effectiveness of the principle of periodic and genuine elections,[4]

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[1] Resolution 217 A (III).

[2] See *Official Records of the Economic and Social Council, 1999, Supplement No. 3* (E/1999/23), chap. II, sect. A.

[3] A/CONF.157/24 (Part I), chap. III.

[4] A/54/491.

1. *Takes note with appreciation* of the report of the Secretary-General on United Nations activities aimed at enhancing the effectiveness of the principle of periodic and genuine elections;[4]

2. *Commends* the electoral assistance provided upon request to Member States by the United Nations, and requests that such assistance continue on a case-by-case basis in accordance with the evolving needs of requesting countries to improve and refine their electoral institutions and processes, and with the guidelines on electoral assistance, recognizing that the fundamental responsibility of organizing free and fair elections lies with Governments;

3. *Requests* the Electoral Assistance Division of the Department of Political Affairs of the United Nations Secretariat to continue to inform Member States on a regular basis about the requests received, responses given to those requests and the nature of the assistance provided;

4. *Requests* that the United Nations continue its efforts to ensure, before undertaking to provide electoral assistance to a requesting State, that there is adequate time to organize and carry out an effective mission for providing such assistance, that conditions exist to allow a free and fair election and that provisions can be made for adequate and comprehensive reporting of the results of the mission;

5. *Recommends* that the Electoral Assistance Division continue to provide technical advice before and after elections and post-election assistance, as appropriate, based on needs assessment missions, to requesting States and electoral institutions, in order to contribute to the sustainability of their electoral processes and consolidation of the democratization process;

6. *Also recommends* that United Nations electoral assistance be geared towards comprehensive observation of the entire time-span of the electoral process in instances where more than technical assistance is required by the requesting State;

7. *Requests* the Secretary-General to take further steps to support States that request assistance by, *inter alia*, enabling the United Nations High Commissioner for Human Rights, in accordance with her mandate, to support democratization activities related to human rights concerns, including human rights training and education, assistance for human rights-related legislative reform, strengthening and reform of the judiciary, assistance to national human rights institutions and advisory services on treaty accession, reporting and international obligations as related to human rights;

8. *Requests* the United Nations Development Programme to continue its commendable programmes of assistance for governance in cooperation with other relevant organizations and institutions, as outlined in the report of the Secretary-General, in particular those for strengthening democratic institutions and participation and linkages between concerned sectors of society and Governments;

9. *Recalls* the establishment by the Secretary-General of the United Nations Trust Fund for Electoral Observation, and calls upon Member States to consider contributing to the Fund;

10. *Reiterates* the importance of reinforced coordination within the United Nations system, including cooperation with all relevant departments within the United Nations Secretariat, the Office of the United Nations High Commissioner for Human Rights, the United Nations Development Programme and the United Nations Volunteers, and encourages the Under-Secretary-General for Political Affairs, as the focal point for United Nations electoral assistance activities, supported by the Electoral Assistance Division, to continue

to develop new and more effective mechanisms for cooperation, and to strengthen its collaboration with those entities, including through an exchange of personnel when appropriate;

11. *Notes with appreciation* additional efforts being made to enhance cooperation with other international, governmental and non-governmental organizations in order to facilitate more comprehensive and need-specific responses to requests for electoral assistance, and expresses appreciation to those Member States, regional organizations and non-governmental organizations that have provided observers or technical experts in support of United Nations electoral assistance efforts;

12. *Encourages* the Secretary-General, through the Electoral Assistance Division, to respond to the evolving nature of requests for assistance and the growing need for specific types of medium-term expert assistance aimed at supporting and strengthening the existing capacity of the requesting Government, in particular through enhancing the capacity of national electoral institutions;

13. *Requests* the Secretary-General to provide the Electoral Assistance Division with adequate human and financial resources to allow it to carry out its mandate, and to continue to ensure that the Office of the United Nations High Commissioner for Human Rights is able to respond, within its mandate and in close coordination with the Electoral Assistance Division, to the increasing number of requests from Member States for advisory services;

14. *Requests* the Secretary-General to report to the General Assembly at its fifty-sixth session on the implementation of the present resolution, in particular on the status of requests from Member States for electoral assistance and verification, and on his efforts to enhance the Organization's support of the democratization process in Member States.

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South Africa* and China: draft resolution

Enhancement of international cooperation in the field of human rights

The General Assembly,

Recalling its resolutions 53/154 of 9 December 1998 on the enhancement of international cooperation in the field of human rights, 53/22 of 4 November 1998 on the United Nations Year of Dialogue among Civilizations and 53/25 of 10 November 1998, on the International Decade for a Culture of Peace and Non-Violence for the Children of the World (2001-2010), and Commission on Human Rights resolution 1999/68 of 28 April 1999, on the enhancement of international cooperation in the field of human rights,[1]

Reaffirming its commitment to promote international cooperation, as set forth in the Charter of the United Nations, in particular Article 1, paragraph 3, as well as relevant provisions of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[2] in order to enhance genuine cooperation among Member States in the field of human rights,

Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

Reaffirming the importance of ensuring the universality, objectivity and non-selectivity of the consideration of human rights issues, and underlining the importance of the promotion of dialogue on human rights issues,

* On behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries.

[1] See *Official Records of the Economic and Social Council, 1999, Supplement No. 3* (E/1999/23), chap. II, sect. A.

[2] A/CONF.157/24 (Part I), chap. III.

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Noting the common endeavours to strengthen dimensions of international cooperation through, *inter alia*, the enhancement of mutual understanding and cooperation concerning human rights and fundamental freedoms among members of international community,

Taking note of the adoption of resolution 1999/25 of 26 August 1999, entitled "Promotion of dialogue on human rights issues", by the Subcommission on the Promotion and Protection of Human Rights of the Commission on Human Rights at its fifty-first session,[3] and welcoming its consideration of the question of a dialogue among civilizations at its fifty-second session,

1. *Welcomes* the decision of the Commission on Human Rights to continue to consider the enhancement of international cooperation in the field of human rights at its fifty-sixth session;

2. *Calls upon* Members States, specialized agencies and intergovernmental organizations to carry out constructive intercultural dialogue as a salient part of the dialogue among civilizations, and to continue consultations for the enhancement of understanding and the promotion and protection of all human rights and fundamental freedoms, and encourages non-governmental organizations to contribute actively to this endeavour;

3. *Invites* States and all relevant United Nations human rights mechanisms and procedures to pay continued attention to the importance of mutual cooperation, understanding and dialogue in ensuring promotional and protection of all human rights;

4. *Decides* to continue the consideration of this question at its fifty-fifth session.

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[3] See E/CN.4/2000/2-E/CN.4/Sub.2/1999/54, chap. II, sect. A.

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General Assembly

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Fifty-fourth session
Third Committee
Agenda item 116 (b)
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

South Africa* and China: draft resolution

The right to development

The General Assembly,

Guided by the principles and purposes of the Charter of the United Nations, expressing in particular the determination to promote social progress and better standards of life in larger freedom as well as to employ international mechanisms for the promotion of the economic and social advancement of all peoples,

Recalling its previous resolutions and those of the Commission on Human Rights relating to the right to development, including its resolution 53/155 of 9 December 1998 and Commission on Human Rights resolution 1999/79 of 28 April 1999,[1]

Also recalling the Declaration on the Right to Development[2] and reaffirming the importance of its full implementation,

Reaffirming that the right to development, as established in the Declaration on the Right to Development, is universal and inalienable and re-emphasizing that its promotion, protection and realization are an integral part of the promotion and protection of all human rights,

Noting that the human person is the central subject of development and that development policy should therefore make the human being the main participant in and beneficiary of development,

* On behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries.

[1] See *Official Records of the Economic and Social Council, 1999, Supplement No. 3* (E/1999/23), chap. II, sect. A.

[2] Resolution 41/128, annex.

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Stressing the importance of creating an economic, political, social, cultural and legal environment that will enable people to achieve social development at the national and international levels,

Emphasizing the fact that the realization of the right to development requires effective and efficient development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level,

Noting that sanctions often have a serious negative impact on the development capacity and activity of target countries, as well as third States, undermining their full realization of the right to development,

Recognizing that countries interact with the global economy from vastly different levels of development, and realizing that globalization affects all countries differently and makes them more susceptible to external developments, positive and negative, including in the field of human rights, in particular in the realization of the right to development,

Stressing the need for coordination and cooperation throughout the United Nations system for a more effective promotion and realization of the right to development,

Emphasizing that the Office of the United Nations High Commissioner for Human Rights has an important role to play in the promotion, protection and realization of the right to development, including through enhanced cooperation with the relevant bodies of the United Nations system for this purpose,

Affirming that developed countries have a major responsibility in the context of growing interdependence to create and sustain a global economic environment that is favourable to accelerated and sustainable development,

Emphasizing that measures should be taken to ensure that human rights are not exploited as a means of conditionality for loans, aid or trade, which then unduly results in the imposition of particular policies on recipient countries, thereby affecting negatively the full enjoyment of the right to development by the peoples of such countries,

Recognizing the importance of undertaking appropriate economic policies and creating a favourable and conducive environment for the enhancement of the realization of the right to development, at the national and international levels,

Emphasizing the importance of strengthening good governance through the building of more effective and accountable institutions for promoting sustained growth and enabling all people to benefit equally from development,

Expressing its concern that the Declaration on the Right to Development is insufficiently disseminated and should be taken into account, as appropriate, in bilateral and multilateral cooperation programmes, national development strategies and policies and activities of international organizations,

Having considered the report by the Secretary-General on the right to development,[3] prepared pursuant to General Assembly resolution 53/155,

1. *Takes note* of the report of the Secretary-General;[3]

2. *Reaffirms* the importance of the right to development for every human person and all people in all countries, in particular the developing countries, as an integral part of their fundamental human rights, as well as the potential contribution that its realization could make to the full enjoyment of all human rights and fundamental freedoms;

[3] A/54/319.

3. *Also reaffirms* that democracy, development and respect for all human rights and fundamental freedoms, including the right to development, are interdependent and mutually reinforcing, and in this context affirms that:

(a) The existence of widespread poverty inhibits the full and effective enjoyment of all human rights and renders democracy and popular participation fragile;

(b) For peace and stability to endure, national and international action and cooperation are required to promote a better life for all in larger freedom, a critical element of which is the eradication of poverty;

(c) The full realization of the right to development must be addressed within a global context through a constructive, dialogue-based approach, with objectivity, respect for national sovereignty and territorial integrity, impartiality, non-selectivity and transparency as the guiding principles, taking into account the political, historical, social, religious and cultural characteristics of each country;

(d) Effective popular participation is an essential component of successful and sustainable development;

(e) The participation of developing countries in the international economic decision-making process needs to be broadened and strengthened through its democratization;

4. *Expresses deep concern* that the gap between the developed and developing countries remains unacceptably wide and that developing countries continue to face difficulties in participating in the globalization process, and may risk being marginalized and effectively excluded from its benefits;

5. *Notes with concern* that the realization of the right to development of many developing countries has been negatively affected as a result of severe economic and financial crises in many regions of the world and recognizes that the international trade and financial conditions that caused the crisis continue to persist;

6. *Calls upon* Member States to take, individually and collectively, all relevant measures and policies to prevent the marginalization of the weak or vulnerable economies of developing countries and of countries with economies in transition, and to enable them to participate fully in globalization and liberalization with a view to their full integration into the world economy;

7. *Also calls upon* States to refrain from taking any unilateral measures that are not in accordance with international law and the Charter of the United Nations and that create obstacles to trade relations among States and impede the full realization of all human rights, including the right to development;

8. *Urges* States to eliminate all obstacles to development at all levels, *inter alia,* by pursuing the promotion and protection of economic, social, cultural, civil and political rights and implementing comprehensive development programmes at the national level, integrating these rights into development activities and promoting effective international cooperation;

9. *Reaffirms* that international cooperation is a necessity deriving from the recognized mutual interest of all countries and, therefore, that such cooperation should be strengthened in order to support the efforts of developing countries to solve their social and economic problems and to fulfil their obligations to promote and protect all human rights;

10. *Calls upon* the international community to address the deepening technological, financial and productive gaps between the developed and some developing countries, and

among some developing countries themselves, as well as the widening inequalities between the rich and the poor;

11. *Affirms* the need to apply a gender perspective in the implementation of the right to development, *inter alia,* by ensuring that women play an active role in the development process, and emphasizes that the empowerment of women and their full participation on a basis of equality in all spheres of society is fundamental for development;

12. *Reaffirms* that, in the full realization of the right to development, *inter alia:*

(a) The rights to food and clean water are fundamental human rights and their promotion constitutes a moral imperative for both national Governments and the international community;

(b) The right to shelter is a basic human right and, in this regard, emphasizes the urgent need for national Governments and the international community to develop urgently, where necessary, and to implement national and international strategies to provide this right;

(c) Health is essential for sustainable development, and calls upon all Governments to take reasonable legislative and other measures within their available resources to achieve the progressive realization of the right to health-care services and urges the international community to support the efforts of Governments in this regard;

(d) Education is also an essential factor for the political, social, cultural and economic development of all people, and recognizes that science and technology are important for ensuring growing levels of knowledge and must be put at the service of education;

13. *Recommends* proper consideration of the humanitarian effects of sanctions, in particular on women and children, which undermine and affect the right to development, with a view to minimizing those effects;

14. *Stresses* the need for the Secretary-General to continue to give high priority to the right to development and urges all States to promote further the right to development as a vital element in a balanced human rights programme;

15. *Welcomes* the high priority assigned by the United Nations High Commissioner for Human Rights to activities relating to the right to development, and urges the Office of the High Commissioner to continue implementing Commission on Human Rights resolution 1998/72 of 22 April 1998;[4]

16. *Invites* the High Commissioner for Human Rights to continue to follow and review progress made in the promotion and implementation of the right to development and to present annual reports to the General Assembly and the Commission on Human Rights and to provide interim reports to the open-ended working group and independent expert on the right to development containing details on:

(a) The activities of her Office relating to the implementation of the right to development, as contained in her mandate;

(b) The implementation of resolutions of the General Assembly and the Commission on Human Rights with regard to the right to development;

(c) The coordination among the relevant entities of the United Nations system, within their respective mandates, in the implementation of relevant resolutions of the General Assembly and the Commission on Human Rights in this regard;

[4] See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23), chap. II, sect. A.

17. *Notes* the efforts undertaken by the Office of the High Commissioner for Human Rights, within its mandate, with relevant entities of the United Nations system to promote the realization of the right to development and stresses the need for the Office to keep Governments fully informed of these initiatives and to involve them in these initiatives, as appropriate;

18. *Calls upon* Member States and the Office of the High Commissioner for Human Rights to ensure that the open-ended working group on the right to development convenes its first session, as a matter of urgency, no later than 17 December 1999;

19. *Urges* Member States, the Secretary-General and the United Nations system, in particular the Office of the High Commissioner for Human Rights, fully to support the follow-up mechanism established for the implementation of the right to development;

20. *Reaffirms* the need for the Office of the High Commissioner for Human Rights to take appropriate measures aimed at promoting universal public awareness on the right to development through, *inter alia,* the dissemination of the Declaration on the Right to Development;

21. *Invites* the open-ended working group, *inter alia,* to consider the question of elaborating a convention on the right to development;

22. *Calls upon* the independent expert on the right to development to submit comprehensive reports to the General Assembly at its fifty-fifth session and the Commission on Human Rights at its fifty-sixth session on, *inter alia,* the effects of poverty, structural adjustment, globalization, financial and trade liberalization and deregulation on the prospects of enjoyment of the right to development in developing countries;

23. *Also invites* the open-ended working group to take note of the deliberations on the right to development held during the fifty-fourth session of the General Assembly;

24. *Takes* note of the report of the independent expert on the right to development[5] and encourages closer coordination with studies undertaken by other relevant experts established under the aegis of the Commission on Human Rights;

25. *Recognizes* the vital role of civil society, including non-governmental organizations and the private sector in the implementation of the right to development and, in this regard, encourages Member States and the United Nations system to foster partnerships and strengthen cooperation, at the national level, with civil society, as appropriate;

26. *Requests* the Secretary-General to continue to inform the Commission on Human Rights and the General Assembly of the activities of the organizations, funds, programmes and specialized agencies of the United Nations system for the implementation of the Declaration on the Right to Development, as well as obstacles identified in the realization of the right to development;

27. *Also requests* the Secretary-General to submit to the General Assembly at its fifty-fifth session and to the Commission on Human Rights at its fifty-sixth session a comprehensive report on the right to development, including obstacles identified in the realization of that right;

[5] E/CN.4/1999/WG.18/2.

28. *Decides* to consider this question at its fifty-fifth session under the sub-item entitled "Human rights questions, including alternative approaches to improving the effective enjoyment of human rights and fundamental freedoms".

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Third Committee
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Human rights questions: human rights situations and reports of special rapporteurs and representatives

Bulgaria, Djibouti, Hungary, Ireland, Portugal, Slovenia, Turkey and United States of America: draft resolution

Situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

The General Assembly,

Recalling all relevant resolutions on this subject, in particular Commission on Human Rights resolution 1999/18 of 23 April 1999,[1] as well as all Security Council resolutions and statements,

Bearing in mind General Assembly resolution 54/ ____ of _____ on the situation of human rights in Kosovo,

Reaffirming the obligations of all Member States under the Charter of the United Nations and the Universal Declaration of Human Rights,[2] the obligations of States parties under the International Covenants on Human Rights[3] and all other human rights instruments and the obligation of all to respect international humanitarian law, including the Geneva Conventions of 12 August 1949 on the protection of victims of war[4] and the Additional Protocols thereto, of 1977,[5] as well as the principles and commitments undertaken by participating States of the Organization for Security and Cooperation in Europe,

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[1] See *Official Records of the Economic and Social Council, 1999, Supplement No. 3* (E/1999/23), chap. II, sect. A.

[2] Resolution 217 A (III).

[3] Resolution 2200 A (XXI), annex.

[4] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

[5] Ibid., vol. 1125, Nos. 17512 and 17513.

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Expressing its full support for the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"),[6] which, *inter alia*, committed the parties of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to respect fully human rights, and for the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium (the "Basic Agreement"),[7]

Expressing its deep concern at the continuing evidence of violations of human rights and fundamental freedoms taking place to varying degrees in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) and, in particular, the failure of the Federal Republic of Yugoslavia (Serbia and Montenegro) to follow the 1996 recommendations of the personal representative of the Chairman-in-Office of the Organization for Security and Cooperation in Europe,

Welcoming all contributions of the Office of the High Representative, the Office of the United Nations High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees and other parts of the United Nations, the Organization for Security and Cooperation in Europe, the Council of Europe, the European Community Monitoring Mission, Governments and intergovernmental and non-governmental organizations in the area in 1999,

1. *Reiterates its call* for the full and consistent implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement")[6] and the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium (the "Basic Agreement")[7] by all parties to those agreements;

2. *Stresses* the crucial role of human rights in the successful implementation of the Peace Agreement, and underlines the obligations of the parties under the Peace Agreement to secure for all persons within their jurisdiction the highest level of international norms and standards of human rights and fundamental freedoms;

3. *Stresses also* the need to direct international human rights efforts in the region to the core issues of the lack of full respect for the human rights and fundamental freedoms of all individuals without distinction, the rule of law and effective administration of justice at all levels of government, the freedom and independence of the media, freedom of expression, freedom of association, including with respect to political parties, freedom of religion and freedom of movement;

4. *Stresses further* the need for enhanced international human rights efforts to foster and effect the prompt and voluntary return of displaced persons and refugees in safety and with dignity;

5. *Reiterates its call upon* all parties and States in the region to ensure that the promotion and protection of human rights and effective, functioning democratic institutions will be central elements in developing civilian structures, as reaffirmed at the meetings of the Steering Board of the Peace Implementation Council and the Peace Implementation Conference;

6. *Urges* all States and parties to the Peace Agreement that have not done so to meet their obligations to cooperate fully with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed

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[6] See *Official Records of the Security Council, Fiftieth Year, Supplement for October, November and December 1995*, document S/1995/999.

[7] Ibid., document S/1995/951.

in the Territory of the Former Yugoslavia since 1991, as required by Security Council resolution 827 (1993) of 25 May 1993 and all subsequent relevant resolutions, and in particular to comply with their obligations to arrest and transfer to the custody of the Tribunal those indicated persons present in their territories or territories under their control;

7. *Continues to call upon* all parties to the Peace Agreement to take immediate steps to determine the identity, whereabouts and fate of missing persons in their territories, including through close cooperation with the United Nations as well as with humanitarian organizations and independent experts, and stresses the importance of coordination in this area;

8. *Notes* that varying degrees of progress have been made in the human rights situation in several areas, but that substantial efforts remain to be made;

I. Bosnia and Herzegovina

9. *Notes* the progress made in Bosnia and Herzegovina with regard to the increase of political pluralism and freedom of expression, through the participation of all groups and individuals, which represents another step towards democracy in Bosnia and Herzegovina, but remains concerned that freedom of speech and the media are still curtailed by political influence, notably through the selective and intimidating application of slander laws;

10. *Expresses its continued serious concern* about continuing human rights violations within Bosnia and Herzegovina and delays in the full implementation of the human rights provisions of the Peace Agreement, notably the delay in bringing legislation into compliance with the human rights provisions of the country's national Constitution, and the failure of local authorities and groups to comply with the obligations of the Peace Agreement;

11. *Condemns in the strongest terms* the complicity by local governments in the perpetration of violence against minority refugees and internally displaced persons returning to their homes and in the destruction of their homes, including acts of intimidation and all those acts designed to discourage the voluntary return of refugees and internally displaced persons, and calls for the removal from office of implicated local government officials as well as the immediate arrest and bringing to justice of those responsible for such acts;

12. *Calls upon* all the authorities of Bosnia and Herzegovina to adjudicate claims for, and implement decisions on, property rights made by local authorities and/or by the Commission on Real Property Claims of Displaced Persons without further delay;

13. *Reiterates its demand* that all parties in Bosnia and Herzegovina immediately create conditions conducive to the voluntary return, in safety and with dignity, of refugees and internally displaced persons to their homes, with equal emphasis on persons belonging to minorities to pass immediately and enforce legislation on property rights in conformity with recommendations made by the Office of the High Representative, and to end practices of discrimination on ethnic or political grounds;

14. *Notes with satisfaction* the decline of violence against returning refugees and displaced persons, while remaining concerned that all ethnic groups continue to report harassment;

15. *Welcomes* the adoption of a new criminal code and of codes of ethics by the judges and prosecutors of both entities, and the increased strength of the prosecutor's office of the Federation of Bosnia and Herzegovina as a result of laws imposed by the High Representative, but notes that the judicial processes still do not sufficiently protect the rights of the accused;

16. *Notes* that the decisions of the Human Rights Chamber are starting to be implemented, while reminding both State and entity-level governments to pay increased attention to decisions of the Chamber;

17. *Calls upon* the authorities of Bosnia and Herzegovina and, in particular, the authorities of the Republika Srpska to increase their cooperation with the Commission on Human Rights for Bosnia and Herzegovina (the "Commission"), to cooperate fully with the International Tribunal for the Former Yugoslavia and to intensify their efforts in this regard;

18. *Notes* that police standards and protection have improved, while remaining concerned about continuing indications among the police of unprofessional conduct, political influence and instances of interference with refugee returns and the use of excessive force;

19. *Urges* the authorities of Bosnia and Herzegovina, in particular those of the Republika Srpska, to ensure full and free access to their territories to all institutions and organizations concerned with the implementation of the present resolution, including non-governmental organizations, and to provide for the protection of those organizations, especially those providing humanitarian assistance;

20. *Stresses* the importance of the implementation of the programme proposed by the High Representative in coordination with the United Nations Mission in Bosnia and Herzegovina, the Council of Europe and the Organization for Security and Cooperation in Europe for a comprehensive judicial reform;

21. *Calls upon* the authorities of both entities to cooperate closely with the Office of the United Nations High Commissioner for Refugees in matters relating to the return of refugees and to ensure that local authorities and groups permit and encourage the return of displaced persons to their homes of origin;

22. *Calls upon* the authorities of Bosnia and Herzegovina urgently to consider, with a view to its early adoption and full implementation, the draft permanent election law designed by the Organization for Security and Cooperation in Europe to strengthen ties between constituents and representatives, strengthen democratic accountability and encourage pluralistic, multi-ethnic political parties;

23. *Notes* the importance of the work of the human rights ombudsman in bringing to light many cases of human rights violations and in resolving several of them, and urges the authorities of Bosnia and Herzegovina to implement the recommendations;

24. *Condemns* recurrent instances of religious discrimination and violence and the denial to religious minorities of their rights to reclaim and rebuild their religious sites;

25. *Expresses its concern* that trafficking in women is a growing problem, and calls upon the authorities of Bosnia and Herzegovina to act vigorously to combat this;

II. Republic of Croatia

26. *Notes with interest* the initiatives taken by the Republic of Croatia to improve the legislative and economic framework for the return of refugees, in particular steps to eliminate discriminatory provisions of Croatian laws;

27. *Notes with satisfaction* the cooperation between the Police Monitoring Group of the Organization for Security and Cooperation in Europe and the local police forces in Eastern Slavonia, while also noting continued instances of ethnically based problems in Eastern Slavonia;

28. *Welcomes* the continuing efforts by the Republic of Croatia to train and guarantee the professionalism and impartiality of the Croatian police and military forces, and notes, in particular, the commitment on the part of the Ministry of the Interior to maintain an ethnically diverse police force in the Danube region;

29. *Welcomes* the actions of the Government of the Republic of Croatia related to the return of significant numbers of persons to their places of origin since 1995, and the steps being taken by the Government to eliminate discriminatory provisions of Croatian laws, while noting that the pace of minority returns from third countries has been disappointing, and expresses concern that protection of the rights of persons belonging to minorities has not met the level of Croatia's legal obligations;

30. *Notes* that the Government of the Republic of Croatia has continued its efforts to codify democratic norms, including the independence of its judiciary, freedom of association and assembly, while also noting that the Government's application of those laws and principles has lagged behind the Government's stated intentions;

31. *Expresses deep concern* about the fact that Government commitments to improve the freedom of the press have remained unfulfilled, and reaffirms the need for free and independent media and the necessity to provide equal access to all forms of media during the forthcoming electoral campaign for all political parties;

32. *Notes* the passage of a new telecommunications law as a positive step, but urges the Government of the Republic of Croatia to comply with international recommendations, in particular of the mission of the Organization for Security and Cooperation in Europe in the areas of electoral and media reform, regrets that until now those recommendations have been only partially fulfilled and stresses the importance of the full application of the 1991 citizenship law;

33. *Expresses deep concern* about the reported extensive campaign of wiretapping against the independent media and opposition political figures, and calls upon the Government of the Republic of Croatia to ensure that the media and opposition political figures and parties are not harassed or hindered in their actions or intimidated by government actions and are guaranteed the same protections as representatives of the media or political establishment who are favourable to the Government;

34. *Welcomes* the signing on 10 May 1999 by the Government of the Republic of Croatia of the programme of technical assistance of the Office of the United Nations High Commissioner for Human Rights, with a view to building national human rights capacity and human rights education, and looks forward to the implementation of the programme in December 1999;

35. *Notes* the efforts of the Republic of Croatia to codify and incorporate the impartial application of the law, but urges the swift and complete implementation of judicial decisions for all citizens, irrespective of ethnicity, religion or political affiliation, noting with concern that due process, the rule of law, the treatment of ethnic minorities and press freedoms fall short of the standards of the Organization for Security and Cooperation in Europe, notably that lengthy judicial processes plague the Croatian judiciary and that cases of interest to the ruling party are processed more expeditiously than others;

36. *Also notes* the formal steps taken by the Republic of Croatia to guarantee the rights of persons belonging to minorities, and the ratification of the framework convention for the protection of national minorities and the European Charter for Regional Minority Languages, but continues to remind the Government of its primary responsibility to restore the multi-ethnic character of Croatia, in fact as well as in law, including the pledge to

guarantee the representation of national minorities, including Serbs, at various levels of local, regional and national government;

37. *Notes* outstanding letters from the President of the International Tribunal for the Former Yugoslavia to the Security Council, and calls upon the Republic of Croatia to cooperate fully with the Tribunal and to comply, in particular, with its obligation to arrest and transfer to the custody of the Tribunal those indicted persons known to be present in its territory and, when prosecuting war crimes, to ensure that domestic prosecution complies with international standards and the obligations of the Republic of Croatia to the Tribunal;

III. Federal Republic of Yugoslavia (Serbia and Montenegro)

38. *Condemns* the Federal Republic of Yugoslavia (Serbia and Montenegro) for its gross violations of the human rights of the ethnic Albanians of Kosovo and its violent campaign to expel or deport ethnic Albanian Kosovars from their homes and communities in the Federal Republic of Yugoslavia (Serbia and Montenegro);

39. *Calls upon* the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro), and all authorities and representatives of ethnic groups in Kosovo to implement Security Council resolution 1244 (1999) and consequently to cooperate fully and support the United Nations Interim Administration Mission in Kosovo in fulfilling its mandate;

40. *Strongly condemns* the presence of indicted war criminals in the hierarchy of the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) or who are fugitives in the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro), and calls for them to be removed from office and transferred to the custody of the International Tribunal as one of the first steps towards reinstating the Federal Republic of Yugoslavia (Serbia and Montenegro) in the community of law-abiding States;

41. *Demands* that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) hand over to the International Tribunal for the Former Yugoslavia all government officials of the Federal Republic of Yugoslavia (Serbia and Montenegro) indicted as war criminals and repudiate the leadership of anyone so indicted as a first step to establishing a democratic government and becoming a full and respected member of the international community, and reminds the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) of its obligations to cooperate fully with the Tribunal;

42. *Also demands* that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) immediately bring to justice any persons, in particular those of its personnel, who have authorized or engaged in breaches of international humanitarian law and violations of human rights, including summary executions, indiscriminate attacks on civilians, indiscriminate destruction of property, mass forced displacement of civilians, the taking of civilian hostages, torture and other cruel, inhuman or degrading treatment or punishment and, in this context, reminds the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) of its obligations to cooperate fully with the International Tribunal for the Former Yugoslavia and the United Nations High Commissioner for Human Rights;

43. *Demands* an immediate end to illegal and/or hidden detention by the Federal Republic of Yugoslavia (Serbia and Montenegro), as well as by paramilitary groups in Kosovo, and requests the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to investigate any and all allegations of hidden detentions, including ethnic Serbs, Albanians and others;

44. *Demands* that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) institutionalize democratic norms, by holding free and fair elections at all levels of government, respecting the rule of law and the administration of justice and fully respecting human rights and fundamental freedoms;

45. *Demands* that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) promote and protect free and independent media, and that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) repeal any law that hinders the full and free exercise of the democratic rights of the citizens of the Federal Republic of Yugoslavia (Serbia and Montenegro), cease any harassment and hindrance of journalists wherever within the Federal Republic of Yugoslavia (Serbia and Montenegro) they may be practising their professions, and repeal repressive laws on universities and the media, which suppress any and all internal dissent or expression of independent views, and concomitantly respect the right of free speech;

46. *Emphasizes* that the subversion of the fundamental democratic rights of the citizens of the Federal Republic of Yugoslavia (Serbia and Montenegro) extends to the Federal Republic of Yugoslavia (Serbia and Montenegro) as a whole, calls upon the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to respect the rights of all persons belonging to minority groups, especially in the Sandjak and Vojvodina, and of persons belonging to the Bulgarian minority, and supports the unconditional return of the long-term missions of the Organization for Security and Cooperation in Europe, as called for by the Security Council in its resolutions;

47. *Concerned* by the continued grave infringements upon the freedom of expression in the Federal Republic of Yugoslavia (Serbia and Montenegro), in particular with regard to the exploitation of the crisis in Kosovo as a means to stifle and suppress views opposing the government in power, a violation of the basic rights of free speech;

48. *Denounces* the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) for its legal and physical intimidation of peaceful political opposition activities and of individuals who express views that differ from those of the Government, and demands that the Federal Republic of Yugoslavia (Serbia and Montenegro) respect the fundamental rights of individuals to free assembly and free speech;

49. *Insists* that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) support the activities of the international community and the United Nations Interim Administration Mission in Kosovo to rebuild and facilitate the multi-ethnic society in Kosovo that the policy of ethnic cleansing, intimidation and discrimination largely destroyed, in particular by using the influence of the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) among the local Serb representatives in Kosovo and by working in good faith with the local Albanian representatives to that end;

50. *Calls upon* the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to implement fully, with dispatch and in good faith, their obligations under the Peace Agreement, and notably to cooperate fully with the Office of the United Nations High Commissioner for Refugees and other humanitarian organizations to alleviate the suffering of refugees and internally displaced persons and to assist in their safe and voluntary return to their homes;

51. *Calls upon* States to consider additional voluntary contributions to meet the pressing human rights and humanitarian needs in the area, and underlines the need for continued coordination among States, international organizations and non-governmental organizations of initiatives and programmes with the aim of avoiding duplication, overlap and working at cross purposes;

52. *Decides* to continue its examination of this question at its fifty-fifth session under the item entitled "Human rights questions".